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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
-v.-	:	<u>VERIFIED COMPLAINT</u>
	:	
ONE ROMAN MARBLE PEPLOPHOROS	:	16 Civ. 1472
STATUE STOLEN FROM THE VILLA	:	
TORLONIA IN ROME, ITALY,	:	
	:	
Defendant- <u>in-rem</u> .	:	
	:	
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Plaintiff United States of America, by its attorney, Preet Bharara, United States Attorney for the Southern District of New York, for its verified complaint alleges, upon information and belief, as follows:

I. JURISDICTION AND VENUE

1. This action is brought by the United States of America pursuant to 18 U.S.C. §§ 545, 981(a)(1)(C) and 19 U.S.C. § 1595a(c) seeking the forfeiture of one Roman marble peplophoros statue¹ stolen from the Villa Torlonia in Rome, Italy, in 1983 (the "Torlonia Peplophoros"). A photograph of the Torlonia Peplophoros is attached as Exhibit A.

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

¹ A peplophoros is a statue depicting a woman wearing a body-length garment, known as a peplos (or peplum), that was common in ancient Greece.

3. Venue is proper under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture took place in the Southern District of New York, and under 28 U.S.C. § 1395(b) because the Torlonia Peplophoros is located within the Southern District of New York, where it is now in the custody of the Federal Bureau of Investigation (“FBI”).

II. THE TORLONIA PEPLOPHOROS

4. In 1797, Giovanni Torlonia, a famous Vatican banker in Rome, purchased what is now called the Villa Torlonia (the “Villa”) after inheriting the title of Marchese. The Torlonia family owned the Villa until 1977, though it was used by Benito Mussolini as his personal residence from 1925 to 1943, and then occupied by the Allied High Command from 1944 to 1947. After 1947, the Villa was abandoned and deteriorated until the Municipality of Rome purchased it from the Torlonia family in 1977.

5. Since 1978, the Villa has been opened to the public and restored by the Municipality of Rome. It contained various works of art and other significant cultural property, including the Torlonia Peplophoros.

6. During the night of November 11, 1983 and the following morning, an unknown number of thieves stole approximately fifteen statues and other items from the Villa. The Torlonia Peplophoros was among the stolen statues.

7. In or about the late 1990s, the Torlonia Peplophoros was imported into the United States by the owner of a New York City art gallery (the “Gallery”). In 2001, the Gallery sold the Torlonia Peplophoros to an individual residing in New York City (the “Buyer”) for approximately \$81,000.

8. The Buyer became aware that the Torlonia Peplophoros was stolen when the Buyer attempted to offer it for sale through a New York City auction house, and voluntarily turned it over to the FBI in late 2015.

III. CLAIM FOR FORFEITURE

9. The allegations contained in paragraphs one through eight of this Complaint are incorporated herein.

10. 19 U.S.C. § 1595a(c) provides in pertinent part:

Merchandise which is introduced or attempted to be introduced into the United States contrary to law shall be treated as follows: (1) The merchandise shall be seized and forfeited if it – (A) is stolen, smuggled, or clandestinely imported or introduced[.]

11. 18 U.S.C. § 545 provides in pertinent part that “[w]hoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law,” shall be subject to criminal penalties. 18 U.S.C. § 545 further provides in pertinent part that “[m]erchandise introduced into the United States in violation of this section...shall be forfeited to the United States.”

12. 18 U.S.C. § 2314 provides in pertinent part that “[w]hoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud,” shall be subject to criminal penalties.

13. 18 U.S.C. § 2315 provides in pertinent part that “[w]hoever receives, possesses, conceals, stores, barter, sells, or disposes of any goods, wares, or merchandise,

securities, or money of the value of \$5,000 or more . . . which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken,” shall be subject to criminal penalties.

14. Pursuant to 18 U.S.C. § 981(a)(1)(C), “any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting ‘specific unlawful activity’ (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.” 18 U.S.C. § 1956(c)(7)(A) of Title 18, United States Code, in turn provides that the term “specified unlawful activity” includes, among other things, “any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under [31 U.S.C. §§ 5311 et seq.].” Among the offenses set forth in 18 U.S.C. § 1961(1) are 18 U.S.C. §§ 2314 and 2315. Accordingly, the proceeds of violations of 18 U.S.C. §§ 2314 and 2315 are forfeitable under 18 U.S.C. § 981(a)(1)(C).

15. The Torlonia Peplophoros is subject to forfeiture pursuant to 19 U.S.C. § 1595a(c) because it is stolen property introduced into the United States contrary to law.

16. The Torlonia Peplophoros is further subject to forfeiture pursuant to 18 U.S.C. § 545 because it is merchandise imported into the United States contrary to law.

17. The Torlonia Peplophoros is further subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(c) because it constitutes proceeds of violations of 18 U.S.C. § 2314 and/or 18 U.S.C. § 2315, in that it is stolen property which was received, possessed and sold in the Southern District of New York after being transported in interstate commerce.

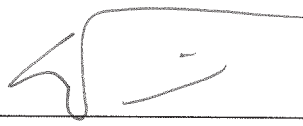
WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Torlonia Peplophoros and that all persons having an interest in the

Torlonia Peplophoros be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Torlonia Peplophoros to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York
February 25, 2016


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the Southern District of New York
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United States of America

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The sources of his information and the grounds of his belief are official records and files of the Federal Bureau of Investigation and the United States Government, communications with other persons, including other law enforcement agents, and information obtained directly by deponent during his investigation.


CHRISTOPHER MCKEOGH
Special Agent
Federal Bureau of Investigation

Sworn to before me this
25th day of February, 2016

Lisabeth A. Mendola-D'Andrea
Notary Public, State of New York
No: 01ME5079305
Qualified in Queens County
Commission Expires June 2, 2019

Loalaba Mendelashvili
NOTARY PUBLIC

